



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Yoshihiro FUKANO et al.

U.S. Serial No. 10/706,945

Group Art Unit: 3679

Filing Date: November 14, 2003

Examiner: A. Dunwoody

Title: TUBE JOINT

PETITION TO THE DIRECTOR UNDER 37 CFR § 1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition to the Director under 37 CFR § 1.181(a)(3) to invoke the supervisory authority of the Director in appropriate circumstances. Although substantial efforts were made to resolve this issue with the Examiner and the Supervisory Examiner in charge of the present application, a satisfactory resolution has not been reached, leaving the applicant with no option other than this petition, as the only way to have this issue considered and resolved by the USPTO. Further, a call was made to the Office of Petitions on today's date to discuss the facts herein, whereupon an Office paralegal recommended the filing of this petition under 37 CFR § 1.181.

Statement of Facts

Following the applicant's Request for Continued Examination (RCE) on May 3, 2005, the current status of the present

application, as indicated in the PAIR records, is that an allowance was counted (status date May 16, 2005). Although this case apparently has been allowed as of May 16, 2005, a Notice of Allowance was not mailed to the applicant and there is no indication of the Notice of Allowance in the image file wrapper. In other words, it appears that although the Examiner prepared a Notice of Allowance and this allowance was counted, the actual Notice of Allowance possibly was misplaced and, in any event, was not properly entered into the file wrapper transaction history and mailed to the applicant. Thus, the present application has been suspended in a state of limbo since May 16, 2005. (See the attached PAIR bibliographic data and transaction history.)

To attempt of resolve this matter, a telephone call was made to Examiner Dunwoody on May 10, 2006. While the Examiner indicated that he recognized the problem, the Examiner stated that he did not know of any way to correct the problem or, in other words, that there was nothing he could do. The applicant's counsel then telephoned Supervisory Examiner Stodola, again requesting the Examiner's assistance in resolving this issue. Examiner Stodola indicated that he thought a renewed Notice of Allowance should be prepared and issued, and stated that he would instruct Examiner Dunwoody to take such appropriate action.

Seven weeks have past since these discussions with Examiners Dunwoody and Stodola, but as yet no action has been taken in the present application.

Accordingly, the undersigned hereby requests that the Director take appropriate action, to ensure that a renewed Notice

of Allowance is promptly prepared and mailed to the applicant as soon as possible. Any applicable patent term adjustments under 35 U.S.C. § 154(b) resulting from USPTO error in this matter should also be attributed to the present application.

Petition Fees. Since the need for this Petition arose solely due to USPTO error, it is respectfully submitted that no fees are currently due. Notwithstanding, in the event that fees, or deficiencies in fees, are deemed necessary in connection with this or any accompanying communication, such fees may be charged to the Attorney's Deposit Account No. 07-2519.

Respectfully submitted,



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CS-31-031114

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| Application Data | Transaction History | Image File Wrapper | Foreign Priority | Published Document | Publication Dates | Address & Attorney/Agent |
|------------------|---------------------|--------------------|------------------|--------------------|-------------------|--------------------------|
|------------------|---------------------|--------------------|------------------|--------------------|-------------------|--------------------------|

Bibliographic Data

| | | | |
|-------------------------|-------------------------------------|----------------------------|--------------------|
| Application Number: | 10/706,945 | Customer Number: | - |
| Filing or 371 (c) Date: | 11-14-2003 | Status: | Allowance Counted |
| Application Type: | Utility | Status Date: | 05-16-2005 |
| Examiner Name: | DUNWOODY, AARON M | Location: | ELECTRONIC |
| Group Art Unit: | 3679 | Location Date: | - |
| Confirmation Number: | 7414 | Earliest Publication No: | US 2004-0100097 A1 |
| Attorney Docket Number: | CS-31-031114 | Earliest Publication Date: | 05-27-2004 |
| Class / Subclass: | 285/245 | Patent Number: | - |
| First Named Inventor: | Yoshihiro Fukano , Moriya-Shi, (JP) | Issue Date of Patent: | - |

Title of Invention: **Tube joint***If you need help:*

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| Application Data | Transaction History | Image/Files/Wrapper | Foreign Priority | Published Documents | Publication Dates | Address & Attorney/Agent |
|----------------------------------|-------------------------------------|-------------------------------------|----------------------------------|-------------------------------------|-----------------------------------|--|

Transaction History

| Date | Transaction Description |
|------------|--|
| 05-11-2005 | Date Forwarded to Examiner |
| 05-11-2005 | Date Forwarded to Examiner |
| 05-03-2005 | Request for Continued Examination (RCE) |
| 05-11-2005 | DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA) |
| 05-03-2005 | Workflow - Request for RCE - Begin |
| 04-14-2005 | Mail Advisory Action (PTOL - 303) |
| 04-13-2005 | Advisory Action (PTOL-303) |
| 04-12-2005 | Date Forwarded to Examiner |
| 04-05-2005 | Amendment after Final Rejection |
| 04-05-2005 | Request for Extension of Time - Granted |
| 03-17-2005 | Reference capture on IDS |
| 03-17-2005 | Information Disclosure Statement (IDS) Filed |
| 02-23-2005 | Information Disclosure Statement (IDS) Filed |
| 01-04-2005 | Mail Final Rejection (PTOL - 326) |
| 01-02-2005 | Final Rejection |
| 11-10-2004 | Reference capture on IDS |
| 11-10-2004 | Information Disclosure Statement (IDS) Filed |
| 11-08-2004 | Date Forwarded to Examiner |
| 10-28-2004 | Response after Non-Final Action |
| 10-31-2004 | Information Disclosure Statement (IDS) Filed |
| 07-29-2004 | Mail Non-Final Rejection |
| 07-26-2004 | Non-Final Rejection |
| 04-06-2004 | Case Docketed to Examiner in GAU |
| 04-06-2004 | IFW TSS Processing by Tech Center Complete |
| 11-14-2003 | Request for Foreign Priority (Priority Papers May Be Included) |
| 11-14-2003 | Reference capture on IDS |
| 11-14-2003 | Information Disclosure Statement (IDS) Filed |
| 02-12-2004 | Application Return from OIPE |
| 02-12-2004 | Application Return TO OIPE |
| 02-12-2004 | Application Dispatched from OIPE |
| 02-13-2004 | Application Is Now Complete |
| 02-02-2004 | Cleared by OIPE CSR |
| 12-23-2003 | IFW Scan & PACR Auto Security Review |
| 11-14-2003 | Initial Exam Team nn |

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